

### **REMARKS**

Reconsideration of the patent application in view of the preceding amendments and the following remarks is respectfully requested.

#### **Rejection of the Claims Under 35 U.S.C. § 103**

In the final office action dated 3/11/2006, the Examiner rejected claims under 35 U.S.C. § 103(a). The Examiner stated that the claimed invention was unpatentable over the U.S. patent publication 2001/0041993 by Campbell, et al (Hereinafter referred to as the Campbell reference) in view of U.S. patent publication 2004/0059596 by Vaidyanathan, et al (Hereinafter referred to as the Vaidyanathan reference). The applicants cancelled the existing claims and have submitted a new set of claims that highlight one of the patentable inventions disclosed in the patent application. The Applicants respectfully submit that the amended claims are not anticipated by nor rendered obvious by the cited references.

Before directly addressing the Examiner's rejection, a brief review of the present invention is desirable. The present invention introduces a method and system for reporting fraud and claiming insurance related to network-based transactions. In the disclosed system and method, the parties of a network-based transaction are allowed to submit complaints. The system then provides a messaging board to allow the parties to repeatedly view and submit comments on the complaint. The complainant may update the status to indicate that the complaint has been resolved. If the complaint remains unresolved and only if certain criteria are met, the system

then allows the complaint to file an insurance claim. This system greatly facilitates the resolution of disputes concerning network-based transactions.

The Campbell reference discloses an automated claim processing and attorney referral system. The Campbell reference provides a system for allowing claimants to enter claims and an insurance company to evaluate and possibly settle the claim. If not settlement occurs, the system of the Campbell reference provides a system for referring an attorney for the case. As will be set forth below, the Campbell reference does not disclose the system of the present invention that is geared toward resolving disputes from a network-based transaction.

The Vaidyanathan reference discloses an automated online dispute resolution system. The Vaidyanathan reference provides a system for allowing parties of an electronic commerce dispute to select one of two modes of resolving the dispute, the first mode being completely driven by an electronic agent and the second mode involving a human dispute resolution specialist. As will be set forth below, the Vaidyanathan reference does not disclose the system of the present invention that is geared toward allowing the parties to resolving disputes from a network-based transaction by themselves and allowing an insurance claim to be filed if the dispute is not resolved and certain criteria are met.

The new claims of the present invention set forth a different method than presented in either the Campbell reference or the Vaidyanathan reference. In the system presented in the new claims, an elegant three stage system is disclosed. First, the system allows a claim to be entered by a first party and notifies the second party of the complaint. Next, the system presents a

messaging board wherein the first party and the second party are allowed to repeatedly view and enter comments concerning the dispute. Finally, the system allows the first party to indicate that the complaint has been resolved or file an insurance claim if not dispute was reached and other criteria have been met.

This three stage system is claimed by all of the new independent claims presented in this preliminary amendment. For example claim 1 calls for “receiving a complaint from a first party . . . communicating information about the complaint to the second party”, “allowing the first party and the second party to repeatedly view and enter comments about the complaint relating to the network-based transaction on a messaging board”, and “allowing the first party to specify if the complaint is resolved; and allowing the first party to file an insurance claim concerning the complaint relating to the network-based transaction only if the complaint relating to the network-based transaction is not resolved and after a first criteria have been met”.

Neither the Campbell reference nor the Vaidyanathan reference cited by the examiner disclose the elegant three stage dispute resolution system as claimed by the newly presented claims, thus neither Campbell reference nor the Vaidyanathan reference anticipate or render the present invention obvious. In fact neither the Campbell reference nor the Vaidyanathan reference disclose the single stage of “allowing the first party and the second party to repeatedly view and enter comments about the complaint relating to the network-based transaction on a messaging board” that greatly facilitates dispute resolution by providing recorded communication channel for the parties in dispute. Thus, the cited references do not anticipate nor render obvious the invention as claimed in new independent claims 21, 33 and 41 such that these claims are

allowable. The remaining claims include all the limitations of new independent claims 21, 33 and 41 such that these claims are likewise allowable.

**PRELIMINARY AMENDMENT**

Serial Number: 09/583,216

Filing Date: May 30, 2000

Title: METHOD AND SYSTEM FOR REPORTING FRAUD AND CLAIMING INSURANCE RELATED TO NETWORK-BASED  
TRANSACTIONS

Page 13

Docket No: 2043.157US1

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 612-373-6900 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully Submitted,

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Date October 31, 2007

By /



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**CERTIFICATE UNDER 37 CFR § 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelop addressed to: MS RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 31 day of October 2007.

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Signature

